

Gillian M. Ross (Bar No. 127116)
Leonard A. Marquez (Bar No. 206885)
WENDEL, ROSEN, BLACK & DEAN LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-403
Telephone: (510) 834-6600
Fax: (510) 834-1928

Attorneys for Defendants
D.R. Horton, Inc., DHI Mortgage Company, Ltd,
LP., Donald Horton, Donald Tomnitz, Michael
Mason, Daniel Callihan, Annie Schankin and James
Frasure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICE A. MISSUD, JULIE D.
MISSUD,

Plaintiff,

vs.

D.R. HORTON, INC.; DHI MORTGAGE
COMPANY, LTD, LP.; DONALD
HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL
CALLIHAN; ANNIE SCHANKIN;
JAMES FRASURE; and DOES 1-200,

Defendants.

Case No. C07-2625 JL

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007
Time: 9:30 a.m.
Judge: Hon. James Larson

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

Pursuant to Rule 201 of the Federal Rules of Evidence, defendants hereby respectfully request that the Court take judicial notice of the following documents attached hereto as **Exhibits JN1 through JN9**:

Item	Description
Exhibit JN1	Complaint filed August 22, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-444247 .
Exhibit JN2	Order Sustaining Motion to Quash Service of Summons and Complaint entered November 9, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-444247 .
Exhibit JN3	Complaint filed December 9, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
Exhibit JN4	Order Sustaining Motion to Quash Service of Summons and Complaint entered on April 26, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
Exhibit JN5	Order entered on August 30, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
Exhibit JN6	Order Sustaining Motion to Quash Service of Summons and Complaint entered on September 13, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
Exhibit JN7	Complaint for Fraudulent Inducement, Fraudulent Concealment, Intentional Misrepresentation, Breach of Fiduciary Duty, Declaratory Relief and Restitution filed on October 23, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. CGC 06-457207 .
Exhibit JN8	Order Sustaining Motion to Quash Service of Summons and Complaint entered on January 11, 2007 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. Case No. 05-447499 .
Exhibit JN9	Order (1) Sustaining Motion to Quash Service of Summons and Complaint and (2) Taking Off-Calendar Motion to Declare Patrice Missud a Vexatious Litigant entered on February 15, 2007 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. CGC 06-457207 .

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Judicial notice of the above described documents is appropriate under Rule 201 of the Federal Rules of Evidence, which provides that “a judicially noticed fact must be one not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” F.R. Evid. 201(b)(2). The Court may take judicial notice of court files. *Fant v. Residential Services Validated Publications*, 2007 WL 833178 at *3 (E.D.Cal. 2007) (“[t]he Court may take judicial notice of court records”) citing *United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir.1993); *see also, Mullis v. U.S. Bankruptcy Court*, 828 F.2d 1385, 1388, fn. 9 (9th Cir. 1987) (pleadings, orders and other papers on file in underlying court case subject to judicial notice). Judicial notice is mandatory if requested by a party and the court is supplied with the necessary information. F.R.Evid. 201(d).

Dated: July 30, 2007

WENDEL, ROSEN, BLACK & DEAN LLP

By: /s/ Gillian M. Ross

Gillian M. Ross
Attorneys for Defendants
D.R. Horton, Inc., DHI Mortgage
Company, Ltd, LP., Donald Horton,
Donald Tomnitz, Michael Mason, Daniel
Callihan, Annie Schankin and James
Frasure